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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,236

01/25/2005

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08/11/2008

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EXAMINER

RASHID, DAVID

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

08/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

[1] Applicant's arguments received on July 18, 2008 pointed to certain deficiencies of the prior art cited in the Final Office Action mailed on April 18, 2008. In response to applicant's arguments, the following Office Action serves to replace the previous action and serves to clarify the examiner's position. A new shortened statutory time period of three (3) MONTHS and a new statutory period for reply is restarted to begin with the mailing date of this letter. The claim amendments after final was not be entered, and the following Office Action will address the claims as presented on January 22, 2008.

Where for any reason it becomes necessary to remail any action (MPEP § 707.13), the action should be correspondingly redated, as it is the remailing date that establishes the beginning of the period for reply. Ex parte Gourtoff, 1924 C.D. 153, 329 O.G. 536(Comm'r Pat. 1924). For Image File Wrapper (IFW) processing, see IFW Manual.

MPEP 710.06

A supplementary action after a rejection explaining the references more explicitly or giving the reasons more fully, even though no further references are cited, establishes a new date from which the statutory period runs.

MPEP 710.06

Amendments

[2] This office action is responsive to the Claim Amendment and Applicant Arguments Made in an Amendment received on July 18, 2008 and Jan. 22, 2008. Claims 1-8 and 10 remain pending.

Claim Objections

[3] In response to applicant's claim objections amendments and remarks received on January 22, 2008, the previous claim objections are withdrawn.

Claim Rejections - 35 USC § 101

[4] In response to applicant's claim 35 USC § 101 rejection amendments and remarks received on January 22, 2008, the previous claim 35 USC § 101 rejections are withdrawn.

Claim Rejections - 35 USC § 103

[5] The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

[6] **Claims 1-2 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ball Tracking and Virtual Replays for Innovative Tennis Broadcasts, 15th International Conference on Pattern Recognition, 2000, Proceedings, Vol. 4, pg 152 – 156 (*hereinafter* “*Pingali*”) in view of *Pizano*.

Regarding **Claim 1**, while *Pingali* discloses an image recognition apparatus (“[a] general purpose computer” at p. 152, left column) for recognizing movements of players matched against each other (the tennis match involves at least two players) between domains partitioned with such an obstacle as net in a sport match or game (the tennis match must have a net and partitioned domains) from contents including a television program being telecasted to show the sport match or game (“live television broadcasts” at p. 152, left column), an image material in an uncompleted state for broadcasting and contents recorded in such a recording medium as a VTR (Introduction, p. 152; fig. 2), the image recognition apparatus comprising:

a score information obtaining section (“[v]irtual [r]eplays and [v]isualization” section at p. 154) configured to obtain score information (“includes score-based queries” at p. 154, right column; ALSO score information includes recorded paths of the tennis ball (e.g., fig. 3)) indicative of scores (“includes score-based queries” at p. 154, right column; ALSO the path of

the ball is indicative of scores of the players) of the respective players which vary as the sport match or game proceeds;

a play event information obtaining section (“[v]irtual [r]eplays and [v]isualization” section at p. 154) configured to obtain play event information (play event information would comprising the path of the tennis ball, including specifically the exact location where the tennis ball hits the court) indicative of a characteristic movement (the path of the tennis ball is “indicative” of a characteristic movement of each of the players; *i.e.*, a tennis ball path approaching the opposite side of the court indicates that a specific player hit it, a characteristic movement) of each of the players from picture information (*e.g.*, fig. 3) included in the contents, the picture information containing images of the obstacle and the players (*e.g.*, fig. 6); and

an image substance recognizing section (“[v]irtual [r]eplays and [v]isualization” section at p. 154) configured to make a comparison (the comparison of the tennis ball position before and after it hits the ground must be made to determine the position where tennis ball hits the ground) between a score information item obtained immediately before a point in time (*e.g.*, the path of the tennis ball before hitting the ground at fig. 3) of generation of the play event information (*e.g.*, the exact location where the ball hit the ground at fig. 3) and a score information item obtained immediately after the point in time (*e.g.*, the path of the tennis ball after hitting the ground at fig. 3) and make reference to a result brought by the play event information (play event information would comprising the path of the tennis ball, including specifically the exact location where the tennis ball hits the court), thereby recognizing a substance (the substance being the exact location on the tennis court) of an image provided by

the play event information, *Pingali* does not teach wherein the score information itself is displayed on a screen.

Pizano discloses an apparatus for detecting and interpreting textual captions in digital video signals (fig. 6) that teaches wherein the score information itself is displayed on a screen (“(3) SPORTS/TRANSPARENT” in fig. 1; the score in fig. 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the screen of *Pingali* to include score information as taught by *Pizano* “to identify the collection of video frames that contain text captions.”, *Pizano*, 5:54-56 and “to create a score browser which would enable a person to move directly to specific portions of the video”, *Pizano*, 1:61-63.

Regarding **Claim 2**, while *Pingali* in view of *Pizano* disclose the image recognition apparatus according to Claim 1, *Pingali* in view of *Pizano* do not teach wherein the score information obtaining section is configured to obtain the score information from at least one of the picture information included in the contents, sound information including commentary voice of a commentator, and data information transmitted as multiplexed on radio waves during broadcasting.

Pizano discloses an apparatus for detecting and interpreting textual captions in digital video signals (fig. 6; fig. 7; fig. 10) that teaches wherein a score information obtaining section (section responsible for fig. 6, fig. 7, fig. 10) is configured to obtain the score information (bottom pictures of the score in fig. 10) from at least one of the picture information (top picture in fig. 10) included in the contents (the contents being everything displayed at the top picture in

fig. 10), sound information including commentary voice of a commentator, and data information transmitted as multiplexed on radio waves during broadcasting.

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the score information obtaining section of *Pingali* in view of *Pizano* to include configuring to obtain the score information from at least one of the picture information included in the contents, sound information including commentary voice of a commentator, and data information transmitted as multiplexed on radio waves during broadcasting as taught by *Pizano* “to identify the collection of video frames that contain text captions.”, *Pizano*, Col. 5, lines 54 – 56 and “to create a score browser which would enable a person to move directly to specific portions of the video”, *Pizano*, 1:61-63.

Regarding **Claim 10**, Claim 1 recites identical features as in Claim 10. Thus, references/arguments equivalent to those presented above for Claim 1 are equally applicable to Claim 10.

[7] **Claims 3-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Pingali* in view of *Pizano* and Automatic Classification of Tennis Video for High-level Content-based Retrieval, Proceedings of the 1998 International Workshop on Content-Based Access of Image and Video Databases (CAIVD '98), 1998, pp 81 – 90 (*hereinafter* “Sudhir”).

Regarding **Claim 3**, while *Pingali* in view of *Pizano* disclose image recognition apparatus according to Claims 1 or 2, further comprising:

a domain item extracting section (“[v]irtual [r]eplays and [v]isualization” section at p. 154) configured to extract instrument information on an instrument moving between the domains

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to serve as an object of score count in the sport match or game (an ace by Sampras in fig. 3 was within the tennis boundary domain, thus a scoring count)

Pingali in view of *Pizano* does not teach a domain item extracting section configured to extract from the picture information facility information including information on the obstacle, information on the domains and information on boundary lines between the domains and an area outside the domains, and player's position information indicative of a player's position; rule information storage section configured to store rule information on the sport match or game; and basic movement storage section configured to store basic movement information on players' characteristic movements generalized in a sport of concern, wherein the play event information obtaining section includes a play event information determining section configured to determine a play event information item on a play event characteristic of each of the players included in the picture information as the play event information based on domain items extracted from the picture information, the rule information, and the basic movement information stored in the basic movement information storage section.

Sudhir discloses an automatic classification of tennis video for high-level content-based retrieval (Introduction, pg 81) that teaches

a domain item extracting section (fig. 3; Table 2) configured to extract from the picture information facility information including information on the obstacle (dashed line in fig. 7), information on the domains and information on boundary lines between the domains and an area outside the domains (fig. 7), and player's position information indicative of a player's position ("Player Tracking Module" in fig. 1);

rule information storage section (“court-line detection module” in fig. 1 for storing rules on court-line boundaries) configured to store rule information on the sport match or game; and basic movement storage section (“Player Tracking Module” in fig. 1) configured to store basic movement information on players' characteristic movements generalized in a sport of concern, wherein a play event information obtaining section (“High-level Reasoning module” in deciding plays like “high-level events like baseline-rallies, passing-shots, serve-and-volleying and net-games” in s. 9, p 89) includes a play event information determining section configured to determine a play event information item on a play event characteristic of each of the players included in the picture information as the play event information based on domain items (the boxes outlining the players on the right side of fig. 6 are the domains) extracted from the picture information, the rule information (fig. 7), and the basic movement information stored in the basic movement information storage section (fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of *Pingali* in view of *Pizano* to include a domain item extracting section configured to extract from the picture information facility information including information on the obstacle, information on the domains and information on boundary lines between the domains and an area outside the domains, and player's position information indicative of a player's position; rule information storage section configured to store rule information on the sport match or game; and basic movement storage section configured to store basic movement information on players' characteristic movements generalized in a sport of concern, wherein the play event information obtaining section includes a play event information determining section configured to determine a play event information item on a play event

characteristic of each of the players included in the picture information as the play event information based on domain items extracted from the picture information, the rule information, and the basic movement information stored in the basic movement information storage section as taught by *Sudhir* as “there is dire need for algorithms that are able to automatically infer high-level content from data.”, *Sudhir*, Introduction, p 81.

Regarding **Claim 4**, while *Pingali* in view of *Pizano* and *Sudhir* disclose the apparatus according to Claim 3, *Pingali* in view of *Pizano* and *Sudhir* do not teach wherein the player's position information is position information indicative of a domain containing each of the players and the instrument constantly held and used by the player.

Sudhir discloses an automatic classification of tennis video for high-level content-based retrieval (Introduction, pg 81) that teaches wherein the player's position information is position information indicative of a domain containing each of the players and the instrument constantly held and used by the player (the player, the tennis racquet, and tennis ball at the point of impact are all in the boxes (domain) on the right side of fig. 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of *Pingali* in view of *Pizano* and *Sudhir* to include wherein the player's position information is position information indicative of a domain containing each of the players and the instrument constantly held and used by the player as taught by *Sudhir* as “there is dire need for algorithms that are able to automatically infer high-level content from data.”, *Sudhir*, Introduction, p 81.

Regarding **Claim 5**, *Pingali* discloses wherein the domain item extracting section (“[v]irtual [r]eplays and [v]isualization” section at p. 154) is configured to extract the player's

position information (the origination of the path of the tennis ball in fig. 2 and fig. 4 is the player's position information) from the picture information (fig. 4) based on the facility information (coordinates to track/detect/match instruments, obstacle, and boundaries in fig. 4 and fig. 2) extracted by the domain item extracting section.

Regarding **Claim 6**, *Pingali* discloses wherein the domain item extracting section (“[v]irtual [r]eplays and [v]isualization” section at p. 154) is configured to extract the instrument information from the picture information (fig. 2, fig. 4, path of the tennis ball) based on the facility information (coordinates to track/detect/match instruments, obstacle, and boundaries in fig. 4 and fig. 2) and the player's position information (the origination of the path of the tennis ball in fig. 2 and fig. 4 is the player's position information) extracted by the domain item extracting section.

Regarding **Claim 7**, while *Pingali* in view of *Pizano* and *Sudhir* disclose the apparatus according to Claim 3, *Pingali* in view of *Pizano* and *Sudhir* do not teach wherein the play event information obtaining section includes a play event index information output section configured to output plural play event information items determined by the play event information determining section as arranged in a time sequence.

Sudhir discloses an automatic classification of tennis video for high-level content-based retrieval (Introduction, p. 81) that teaches wherein the play event information obtaining section includes a play event index information output section (Table 3, p. 88) configured to output plural play event information items (“High-level Annotation” column in Table 3) determined by the play event information determining section as arranged in a time sequence (the table suggests the arrangement of time sequence).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of *Pingali* in view of *Pizano* and *Sudhir* to include wherein the play event information obtaining section includes a play event index information output section configured to output plural play event information items determined by the play event information determining section as arranged in a time sequence as taught by *Sudhir* as “there is dire need for algorithms that are able to automatically infer high-level content from data.”, *Sudhir*, Introduction, p 81.

Regarding **Claim 8**, while *Pingali* in view of *Pizano* and *Sudhir* disclose the apparatus according to Claim 3, *Pingali* in view of *Pizano* and *Sudhir* do not teach wherein the play event index information output section is configured to output the play event information items together with instrument information items in a time sequence.

Sudhir discloses an automatic classification of tennis video for high-level content-based retrieval (Introduction, p. 81) that teaches wherein the play event index information output section (Table 3, p. 88) is configured to output the play event information items (“High-level Annotation” column in Table 3) together with instrument information items (“BL” is “Baseline”, and thus the table indicates the location information from which the instrument was during the serve) in a time sequence (the table suggests the arrangement of time sequence).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the apparatus of *Pingali* in view of *Pizano* and *Sudhir* to include wherein the play event index information output section is configured to output the play event information items together with instrument information items in a time sequence as taught by *Sudhir* as “there is

dire need for algorithms that are able to automatically infer high-level content from data.”,
Sudhir, Introduction, p. 81.

Response to Arguments

[9] Applicant’s arguments filed on January 22, 2008 with respect to Claim 1 has been respectfully and fully considered, but unpersuasive in view of the new ground of rejection in the corrected Final Office Action.

Summary of Remarks regarding Claim 1

Applicant argues that from fig. 1 and the corresponding description, the second item of claim 1 has not been disclosed (*i.e.* the “play even information obtaining section”). *Pingali* discusses a trigger event, but does not mention the italicized part of item 2 (*i.e.* “from picture information included in the contents”). That is, nowhere does *Pingali* disclose or fairly suggest that the trigger event comes from picture information. To the contrary, it seems as though *Pingali* must wait for a trigger input based on something other than picture information; perhaps a human input. Once this happens then *Pingali* “executes a loop of capturing frames from the camera pair. . . .” Thus, before the trigger event, *Pingali* does not teach capturing frames. Thus, no picture information can be obtained before the triggering event. As such, it appears that the triggering event cannot be based on picture information as required by Claim 1. (Applicant Resp. at 12, Jan. 22, 2008.)

Claim 1 specifically requires an “image substance recognizing section” (*emphasis added*). Keeping track of a changing game score is not recognizing the substance of an image. The Examiner must point to how an image is being recognized. Applicant respectfully submits that that this claimed feature is not disclosed or fairly suggested in *Pingali*. (Resp. at 13.)

Furthermore, the substance of the image must be "provided by the play event information," as required by Claim 1. The play event information, as indicated above contains picture information. As required in Claim 1, this picture information may be in the form of "score information displayed on a screen." Claim 1 requires the "image substance recognizing section" to recognize an image (*i.e.* a score), that is displayed on a screen. Nowhere is it apparent that *Pingali* discloses or fairly suggests this feature. As *Pingali* is not concerned with image recognition, but appears to be dealing with image tracking, there is no reason for *Pingali* to deal with an "image recognition section." (Resp. at 13.)

Examiner's Response regarding Claim 1

Applicant's arguments with respect to claim 1 has been considered but are unpersuasive in view of the new ground of rejection ("Virtual Replays and Visualization" section of *Pingali*). See section 10, Examiner's Response regarding Claim 1 for further detail in response to Applicant's arguments filed on July 18, 2008 below.

[10] Applicant's arguments filed on July 18, 2008 with respect to Claim 1 has been respectfully and fully considered, and not found persuasive.

Summary of Remarks regarding Claim 1

Regarding the second element of claim 1, as labeled above, Applicant notes that the play event information obtaining section of claim 1 obtains information "indicative of a characteristic movement of each of the players." In *Pingali*, the disclosure seems to only be concerned with "ball tracking." That is, Applicant respectfully submits that *Pingali* does not disclose obtaining

movement information from each of the players. As such, this feature of independent claim 1 is not disclosed or fairly suggested by the cited references.

Regarding the third element of claim 1, the "image substance recognition section," the Examiner maintains his position. However, as indicated in the response dated January 22, 2008, it does not appear that the cited references disclose the claimed invention. Specifically, claim requires a "comparison" step between score information obtained immediately before and after play event information.

While the Examiner believes the references disclose a play event information obtaining section, and an image substance recognizing section, there does not appear to be any support comparing two images to one another and determining the substance of an image provided by the play event information based on said comparison. (Applicant Resp. at 4-5, July 7, 2008.)

Examiner's Response regarding Claim 1

Regarding the first element of claim 1, the claim language is broad enough to include the ball tracking feature of *Pingali*. The ball tracking feature of *Pingali* includes recorded scores and paths of balls throughout the match. The exact ball path and contact with the court is indicative of scores of the respective players (e.g., fig. 3). The ball hitting within or outside the marked bounds is indicative of a score. The Examiner suggests amending the first element such that there is a clear definitive description that the actual score is being read.

Regarding the second element of claim 1, the claim language is broad enough to include the ball tracking feature of *Pingali*. Information including the path and location where the ball hits the court is play event information. This play event information is again indicative of a characteristic movement of the players. A ball being projected into the opposite side of the court

is indicative that a particular player hit it, which is a characteristic movement of the player. The Examiner suggests amending the first element such that there is a clear definitive description that information is being recognized from the player's actual movement (e.g., a volley).

The Examiner notes that the argument of "comparing two images to one another" for the play event information obtaining section is not in the claim language. The claim is broad enough to not include such a limitation, which *Pingali* appears not to anticipate.

The Examiner further notes that the score information obtaining section and play event information obtaining section is nothing more than a recording of a tennis match. A recorded tennis match would inherently include "score information indicative of scores", "play event information indicative of a characteristic movement of each of the players", and "score information" (*emphasis added*). Furthermore, a recording of the path of a tennis ball which correlate directly with the score of the match reads on an image substance recognizing section. The Examiner suggests limitations to acquiring the actual score information, and using that actual score information to compare definitive score information items.

Conclusion

[8] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) Gong et al., Automatic Parsing of TV Soccer Programs, Proc. Int'l Conf. On Multimedia Computing and Systems, pp. 167-168, 1997;

(ii) Saur et al., Automated Analysis and Annotation of Basketball Video, Store and Retrieval for Image and Video Databases V, SPIE Vol. 3022, pp. 176-187, 1997; and

(iii) Sudhir et al., Automatic Classification of Tennis Video for High-Level Content-Based Retrieval, Proc. Of IEEE Workshop on Content-Based Access of Image and Video Databases, CAIVD'98, 1998.

[11] **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

[9] Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID P. RASHID whose telephone number is (571)270-1578. The examiner can normally be reached Monday - Friday 7:30 - 17:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on (571) 272-74155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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